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The Repatriation of Jihadist Foreign Fighters

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In the spring of 2019, the Kurdish-led Syrian Democratic Forces (SDF) completed their recapture of the territory that had been held by the Islamic State group (ISIS) in Syria. As they did so, they found themselves holding tens of thousands of people who had travelled from around the world to join ISIS's self-declared caliphate, including many from the Euro-Mediterranean region. It had always been clear that many foreign fighters and ISIS supporters would be taken prisoner, yet the governments of the countries from which these people came seemed unprepared for the policy challenge this represented. More than a year later, few governments have managed to come up with a coherent plan for dealing with their detained fighters.

The Syrian Kurds do not have the capacity to return fighters and family members unilaterally or to look after their prisoners in the long term. As a non-state group, they do not have extradition treaties or air links with the source countries of foreign fighters. Nor do they have an established legal system and network of prisons that would enable them to process prisoners through some semblance of due process. In this respect, the Syrian Kurds are in a different position from the other countries that have captured large numbers of foreign fighters. Turkey is increasingly returning ISIS members to their countries of origin, while Iraq has put many of them on trial (though there are serious concerns about the violations of human rights involved).

Instead, Kurdish authorities are holding the men, women and children they control in a series of make-

shift prisons and vast, overcrowded refugee camps. It's estimated that altogether there are around 2,000 foreign fighters from countries other than Syria and Iraq, and more than 11,000 foreign women and children. The men are detained in a series of prisons spread across the territory that the Kurds control. Journalists who have had access to the prisons describe large numbers of men sleeping on the floor, many suffering from wounds that have not properly healed. Most of the foreign women and children are held in a special annex of the al-Hol refugee camp, though some have also been held in two other camps in the region. International NGOs have done their best to provide medical services in the camps, but conditions remain basic. There are no prospects for the children as long as they remain there, or any real programmes to help them deal with the trauma they've suffered. The most radicalized women in al-Hol have emerged as a dominant group, intimidating the other prisoners and creating an environment in which some observers fear the further radicalization of children in the camps.

Reluctance to Repatriate

A number of ideas have been floated about how the foreign fighters and their families might be dealt with. For the men and at least some women, there have been discussions about prosecuting them in the region. But there are problems with all the suggested approaches. Some prisoners have been transferred from Syria to Iraq for trial, but this has caused political controversy in the case of European citizens, because of due process concerns and because Iraq applies the death penalty. Suggestions of establishing an international tribunal have made little progress, because it is not clear where

the tribunal would be based. And many countries are reluctant to give the Syrian Kurds the support needed for them to conduct trials at home, because that would appear to treat them as if they constituted a state. For these reasons, repatriating foreign fighters and their families to their home countries seems increasingly like the only alternative to leaving them in the limbo they now occupy.

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Some countries have taken large numbers of their citizens back from these camps, particularly women and children. Kosovo, Bosnia, Russia and some countries in central Asia fall into this category. But western European countries have been particularly reluctant to repatriate their citizens. European officials point to a number of potential problems with bringing ISIS supporters home. Security officials argue that many of them may still represent a threat, but that it is not always easy to convict them in court. There are said to be problems in establishing that men and women contributed actively to ISIS's campaigns of violence, as opposed to merely being present in its territory. Even when convicted, ISIS members are liable to be sentenced only to a few years in prison in many European countries. And European countries are already concerned about radicalization in their prisons, leaving them reluctant to imprison more people committed to the jihadist cause.

There is some substance to these concerns. There is no guarantee that repatriated foreign fighters or ISIS members would not pose some threat. But the danger is easy to exaggerate, and there are ways of mitigating the threat they would pose. The number of returning foreign fighters who have become involved in further acts of violence is not large, and there is evidence that the risk decreases after fighters have been back at home for more than six months. European countries have the resources to

conduct surveillance of those returnees deemed to pose the most threat.

The Political Obstacles to Repatriation

The real reason for the reluctance is political. Government officials from a number of European countries have said off the record that they believe repatriation is the best option for the majority of these people, but that it is politically difficult for ministers to take responsibility for approving returns. For this reason, most European countries are currently willing to repatriate only children, because the risk they pose is lower and because the humanitarian argument for bringing them home is particularly strong. It cannot be said to be the children's fault that they were taken to Syria when young or, in the case of many children, were born there. But repatriating children is not without complications, because Kurdish authorities are only willing to release children with their mothers' consent. And European countries remain strongly resistant to repatriating the mothers, even if that is the only way to bring the children home.

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Dozens of children have come back to Europe, but the majority of these have been unaccompanied – in many cases, orphans whose parents died in fighting between ISIS and the coalition opposing it. In a few cases, mothers and children have been brought back together, but this has caused political problems. The governing coalition in Norway fell apart in January 2020 after the government brought back a Norwegian woman and her two children (one of whom was sick), and the populist Progress Party withdrew its support. The governing coalition in Finland has also been mired in internal debates after it

was reported that the Foreign Ministry was developing plans to repatriate some women and children, and no returns from Syria have since been announced. In some countries, relatives of the children have brought legal cases seeking to obtain court orders for repatriation. Italy is the only EU Member State known to have brought back a male fighter for trial, though Spain has also announced its support for repatriation.

Persistent Insecurity

The case for repatriation seemed to grow stronger in the autumn of 2019 when Turkish forces moved into northern Syria. Fighting between Turkish and Kurdish forces engulfed some of the areas where detainees were being held; many women and children at the Ain Issa camp in particular were allowed to leave, with large numbers making their way to Turkey. The Turkish incursion highlighted the insecurity of the current arrangements, and led some Europeans to make urgent contingency plans for repatriation. But as the fighting subsided, governments went back to their policy of denial and delay. Nevertheless conditions in the prisons and camps remain far from secure. The remaining ISIS group has expressed a commitment to organize break-outs from the camps, and there have been regular reports of women escaping or being smuggled out of the camps. In that sense, there is a strong security argument for repatriation as well as a humanitarian one: bringing fighters and ISIS supporters home is the best way for security services to ensure that they have a measure of control over these people. Nevertheless the political obstacles to repatriation remain as powerful as ever.

The question of what to do with foreign fighters and family members who went abroad to fight for ISIS remains a difficult political question for countries across the Euro-Mediterranean region

North African countries also provided large numbers of foreign fighters for the ranks of ISIS, with the largest number coming from Tunisia and Morocco. These countries have also done little to repatriate captured ISIS supporters. In March 2019, Morocco announced the repatriation of eight fighters from Kurdish forces in Syria. In 2020, Tunisian President Kais Saied made a show of publicly welcoming six Tunisian orphans from Libya where their parents had been killed fighting for ISIS, in a move apparently designed to remove some of the stigma attached to the children of ISIS supporters.

The question of what to do with foreign fighters and family members who went abroad to fight for ISIS remains a difficult political question for countries across the Euro-Mediterranean region. Many of their fellow citizens feel that people who joined ISIS turned their back on their own countries and do not deserve their support. But these people ultimately remain the responsibility of their own countries; it is short-sighted to leave them where they are, and in particular inhumane towards the children involved. In the end, repatriation remains the best option for captured ISIS members, but the political will to take this politically unpopular step appears to be in short supply.